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12 *and Los Angeles Catholic Worker*

13  
14 **UNITED STATES DISTRICT COURT**  
15 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

16  
17 LA ALLIANCE FOR HUMAN  
18 RIGHTS, et al. Plaintiff(s),  
19  
20 vs.  
21 City of Los Angeles, et. al.  
22 Defendant(s).

} CASE NO. 20-CV-02291-DOC-KES

} Hon. David O. Carter  
} Courtroom 1

} STATUS REPORT OF  
} INTERVENORS LOS ANGELES  
} COMMUNITY ACTION NETWORK  
} AND LOS ANGELES CATHOLIC  
} WORKER

} Date: April 7, 2020  
} Time: 2:00 p.m.  
} Ctrm: Offsite

} Complaint Filed: March 10, 2020

Intervenors Los Angeles Community Action Network (LA CAN) and Los Angeles Catholic Worker (LACW) file this status report in advance of the status conference on April 7, 2020.

Over the past month, both the City and the County of Los Angeles have taken unprecedented actions to address the emergency created by the COVID-19 global pandemic, including issuing extraordinary shelter-in place orders that have dramatically impacted daily life but will undoubtedly save thousands of lives. The City has also dramatically increased the region's emergency medical capabilities by standing up field hospitals, bringing testing sites online, and even helping to develop personal protective gear for medical staff.

At the same time, however, the response to providing support for unhoused residents in Los Angeles has been insufficient to adequately address the crisis. There are currently approximately 44,214 individuals who are unsheltered in Los Angeles County and 27,221 in the City of Los Angeles alone.<sup>1</sup> Of the unsheltered population in Los Angeles County, approximately 13,606 are over the age of 55.<sup>2</sup> And individuals who are unhoused, particularly those who are unsheltered, face "extraordinarily high susceptibility to symptomatic infection, hospitalization, and fatality due not only to their advanced age, but also the accelerated physical decline

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<sup>1</sup> Los Angeles Homeless Services Authority, 2019 Greater Los Angeles Homeless Count-Total Point-in-Time Homeless Population by Geographic Areas, June 4, 2019, last updated November 21, 2019, *available at* <https://www.lahsa.org/documents?id=3467-2019-greater-los-angeles-homeless-count-total-point-in-time-homeless-population-by-geographic-areas.pdf>.

<sup>2</sup> Los Angeles Homeless Services Authority, 2019 Greater Los Angeles Homeless Count-Total Point-in-Time Homeless Population, Subpopulations: Aging populations (55+), June 4, 2019, last updated November 21, 2019, *available at* <https://www.lahsa.org/documents?id=3467-2019-greater-los-angeles-homeless-count-total-point-in-time-homeless-population-by-geographic-areas.pdf>.

1 and mental weathering that frequently results from repeat exposure to harsh  
2 elements.”<sup>3</sup>

3 To date, the City and County’s primary interventions to address the threat of  
4 COVID-19 among people who are homeless has been to 1) stand up new shelters in  
5 recreation centers; 2) deploy handwashing stations and portable toilets at  
6 encampments; and 3) bring approximately 760 hotels and motel rooms and 500  
7 trailers online. These interventions, while critically important, are not being  
8 deployed at anywhere near the scale necessary to significantly impact the trajectory  
9 of this pandemic among the City’s most vulnerable residents.

#### 10 **a. New Shelters**

11 First, the City of Los Angeles has invested significant resources over the past  
12 three weeks to stand up shelters at 42 recreation centers throughout Los Angeles.  
13 The City originally projected that this resource-intensive undertaking would bring  
14 6,000 beds online.<sup>4</sup> However, after three weeks, the City has opened only 13 of the  
15 projected 42 shelters. And because of the need to increase social distancing and de-  
16 densify the shelters, the capacity of these shelters is far less than originally  
17 projected—the first 13 shelters had room for only 563 individuals, instead of the  
18 projected 1600. Based on that rate, the recreation centers will house only 2,000  
19 Angelenos. And at the same time, large congregate shelters in Los Angeles that  
20 house a significant portion of the 25% of the population in Los Angeles that is  
21 homeless but sheltered, must de-densify to meet the Centers for Disease Control and  
22 Prevention (“CDC”) guidelines for social distancing,<sup>5</sup> to attempt to prevent an  
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24 <sup>3</sup> Dennis Culhane, Randall Kuhn, et al., *Estimated Emergency and*  
25 *Observational/Quarantine Capacity Need for the US Homeless Population*  
26 *Related to COVID-19 Exposure by County; Projected Hospitalizations,*  
27 *Intensive Care Units and Mortality* (Mar. 25, 2020), Dkt. 47-1, Exh. A at p. 2.

28 <sup>4</sup> Assuming all of these beds became available, they would have provided shelter  
for approximately one-quarter of the City’s nearly 27,0000 unsheltered homeless.

<sup>5</sup> Centers for Disease Control and Prevention, “Responding to Coronavirus  
Disease 2019 (COVID-19) among People Experiencing Unsheltered

1 outbreak among shelter residents. Therefore, the number of net *new* shelter beds for  
 2 currently unsheltered but vulnerable residents is likely to be even less.

### 3 **b. Hygiene for Existing Encampments**

4 Based on the City's current projections for both shelter beds and hotels and  
 5 motels, the vast majority of homeless individuals in Los Angeles will be left to  
 6 shelter at their encampments. According to the CDC and the State of California<sup>6</sup>, in  
 7 order to slow the spread of COVID-19 at these encampments, individuals must be  
 8 able to access hygiene services and have enough space at encampments to ensure  
 9 social distancing. In addition, researchers at UCLA, University of Pennsylvania,  
 10 and Boston University have provided additional recommendations, building off the  
 11 CDC's more general guidance. According to their report, individuals in  
 12 encampments must have:

- 13 • Ability to maintain social distance among encampment residents and
- 14 from others outside the encampment
- 15 • Ability to maintain adequate handwashing and sanitation for a long
- 16 duration of delayed service
- 17 • Ability to assess and report suspected infections, meaning either regular
- 18 access to outreach workers or to mobile phones with reliable service
- 19 and electrical power
- 20 • Ability to maintain adequate food, water and medicine supplies through
- 21 local stores or service providers

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 23  
 24  
 25 Homelessness: Interim Guidance," last reviewed March 22, 2020, *available at*  
 26 [https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/unsheltered-](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/unsheltered-homelessness.html)  
[homelessness.html](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/unsheltered-homelessness.html)

27 <sup>6</sup> State of California, "Recommended Strategic Approaches for COVID-19  
 28 Response for Individuals Experiencing Homelessness," March 2020, *available at*  
[https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/](https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Protocols-Homeless-Pop.pdf)  
[COVID-19/Protocols-Homeless-Pop.pdf](https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Protocols-Homeless-Pop.pdf)

1 The report highlights the necessity of these services: “Encampments or individuals  
2 failing to meet these criteria may face severe risk of infection and indirect  
3 consequences in the event of a more severe emergency.”<sup>7</sup>

4 Despite these recommendations, the City and the County have not provided  
5 the hygiene, supplies, and services to encampments that are necessary to prevent an  
6 outbreak among the City’s homeless encampments. To date, the City has provided  
7 approximately 400 handwashing stations and 120 portable toilets to heavily-  
8 populated encampments throughout Los Angeles. While the number deployed over  
9 the past three weeks has exponentially increased the number of handwashing  
10 stations and portable toilets throughout the City, the number is still inadequate for  
11 the nearly 27,000 people living in encampments and in vehicles, who are spread out  
12 over approximately 500 square miles.

13 Moreover, the City is struggling to adequately service the handwashing  
14 stations. As this Court observed with the new handwashing stations in Skid Row,  
15 these services are critical, but have proven incredibly difficult to maintain. As this  
16 Court observed, *see* Dkt. 51, the handwashing stations often lack water, soap, or  
17 paper towels.

18 This problem is not isolated to the hygiene stations in Skid Row. Intervenor  
19 Los Angeles Community Action Network, along with its partners at grassroots  
20 mutual aid organizations throughout Los Angeles have been monitoring  
21 handwashing stations around the City of Los Angeles and have observed many of  
22 the same issues observed by this Court. These issues have also been reported in the  
23 media and on social media.<sup>8</sup>

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26 <sup>7</sup> Culhane, *supra* note 3 at 9.

27 <sup>8</sup> Lexis-Olivier Ray, “LA Installed Hundreds of Hand-Washing Stations at  
28 Homeless Camps. Some Are Drying Up.”, CURBED LOS ANGELES, April 1, 2020,  
*available at* <https://la.curbed.com/2020/4/1/21203396/homeless-coronavirus-los-angeles-handwashing-stations>.

On April 3, 2020, the City announced that it had entered into a partnership with the YMCA to re-open nine YMCA locations throughout Los Angeles to allow unhoused Angelenos to use the showers and other facilities. While important for individuals who are sheltering near the nine facilities or who are living in vehicles and can travel to the sites, these nine locations do not replace the hundreds of gyms, recreation centers, pools, and other facilities that unhoused individuals previously relied on before the shelter in place orders went into effect and which are no longer available.

Finally, it does not appear that the City has opened park restrooms overnight, as it was suggested at the March 19, 2020 hearing. Nor has the City generally opened parks for individuals to shelter in place, where internet and other necessary resources are available. Other jurisdictions have done so, in order to provide resources and services.<sup>9</sup> Moreover, as this Court noted at the last status conference on March 26, 2020, the recreation center fields remain empty, even though allowing individuals to shelter in place on these fields would bring these individuals closer to the life-saving interventions offered by the shelters. *See* Dkt. 47-1, Exh. D.

### **c. Hotels, Motels, and Trailers**

There is significant agreement among public health experts that single-occupancy accommodations like hotels, motels, and trailers are the best intervention for slowing the spread of COVID-19 among homeless individuals and preserving necessary resources like hospital beds. *See e.g.*, CDC Interim Guidance, State of California Guidance, Dkt. 47-1, Exh. A-C. Yet to date, the County of Los Angeles, which is the primary agency responsible for this undertaking, has reported there are currently only approximately 760 hotel and motel rooms available throughout Los Angeles County. This includes the rooms available for isolation and quarantine.

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<sup>9</sup> *See e.g.*, Christopher O’Connell, “Tampa Sets up Tent City So Homeless Can Shelter in Place”, March 29, 2019, *available at* <https://www.tampabay.com/news/health/2020/03/29/tampa-sets-up-tent-city-so-homeless-can-shelter-in-place/>

1 There are an additional 500 trailers that have been provided by the State of  
 2 California, including 112 at Dockweiler State beach, which are available for  
 3 isolation and quarantine for anyone who needs them, including but not exclusively,  
 4 individuals who are unhoused. The other trailers have been deployed to the  
 5 recreation center shelters, where Intervenor understand they are also on standby for  
 6 isolation and quarantine.

7 Other than these room and trailers, there does not appear to be any plan to  
 8 bring individuals who are homeless and vulnerable into individual rooms, even  
 9 though there is growing agreement that the failure to do so will result in the further  
 10 spread of COVID-19 and the significant expenditure of public health resources to  
 11 treat the individuals who contract the virus.<sup>10</sup>

12 The County and the City have not provided any explanation for this failure to  
 13 bring more resources online, despite repeated indications that it would be able to do  
 14 so. The Mayor of the City of Los Angeles and the County's Director of Emergency  
 15 Operations, as well as the Governor of the State of California have considerable  
 16 legal authority to act to secure the use of property as necessary to meet the  
 17 emergency.<sup>11</sup> There is also funding available. Under an agreement with FEMA, the  
 18 cost of hotels and motels are a reimbursable expense, up to 75%, and this includes  
 19 the cost of staffing and other resources. The rest of the money is available from the  
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 22 <sup>10</sup> See e.g., Culhane, *supra* note 3 at 12; State of California, *supra* note 6; Dkt. 47-1,  
 Exh. B-C.

23 <sup>11</sup> See Los Angeles Charter, Section 8.30, Power to Requisition Supplies and  
 24 Personnel ("The Director of the Emergency Operations Organization may obtain  
 25 vital supplies and other such property as is needed for the protection of life and  
 26 property of the people, and bind the City for the fair value thereof, and, if required  
 27 immediately, may commandeer the same for public use"); Los Angeles County  
 28 Code, Section 2.68.220 (granting Director of Office of Emergency Management the  
 authority to commandeer property as necessary); State of California, Executive  
 Order N-25-20 (granting California Health and Human Services and Office of  
 Emergency Services authority to commandeer hotel rooms as necessary).



1 State of California, which has provided \$150 million in emergency funds to  
 2 jurisdictions, including the County of Los Angeles.<sup>12</sup> Finally, additional federal  
 3 resources, are currently being made available through the CARES Act, passed on  
 4 March 27, 2020.<sup>13</sup>

5 Despite the unprecedented nature of the global pandemic and the threat it  
 6 poses to unhoused residents of Los Angeles, the City and County have inexplicably  
 7 failed to take steps that public health experts agree could reduce the risk to unhoused  
 8 residents and the community. Significant and urgent interventions are necessary  
 9 now, to avert the pending crisis.

10  
 11 Dated: April 6, 2020

Respectfully submitted,  
 Legal Aid Foundation of Los Angeles

13 /s/ Shayla Myers  
 14 Attorneys for Intervenors

15  
 16 Schonbrun Seplow Harris & Hoffman LLP

17 /s/Catherine Sweetser  
 18 Attorneys for Intervenors

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21 /s/ Carol A. Sobel  
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 24 <sup>12</sup> California Homeless Coordinating and Financing Council, “COVID-19  
 25 Emergency Homeless Funding Grant Allocations,” available at  
 26 <https://www.bcsb.ca.gov/hcfc/coronavirus19/allocations.pdf>

27 <sup>13</sup> Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), Pub. L.  
 28 No. 116-136 div. B tit. XII, 134 Stat. 281 (2020). The Act provides for \$4 billion  
 in funding through the Emergency Solutions Grant program. Funds received by  
 the program will be eligible for reimbursement under the Act. *See* H.R.748-328,  
 and the Act waives bidding and other contract requirements. *See* H.R. 748-329.



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